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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,565	09/26/2000	Yoshinori Rokugo	Q60968	3204
7590 01/13/2005			EXAMINER	
Sughrue Mion Zinn Macpeak & Seas PLLC 2100 Pennsylvania Avenue NW Washington, DC 20037-3213			MILLS, DONALD L	
			ART UNIT	PAPER NUMBER
			2662	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/669,565

Applicant(s)

ROKUGO ET AL.

Examiner

Donald L Mills

Art Unit

2662

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: 23,27 and 28.

Claim(s) rejected: 1-22 and 24-26.

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☐ Other: \_\_\_\_\_

  
**JOHN PEZZLO**  
**PRIMARY EXAMINER**

Continuation of 5. NOTE: The Examiner appreciates the Applicant's remarks for further clarification.

On page 2 of the remarks, regarding the finality of the present office action, the Applicant argues that the rejection should be withdrawn in view of the new grounds of rejection included in the final Office Action. The Examiner respectfully disagrees. In the Amendment filed April 30, 2004, the Applicant changed the scope of the invention with respect to independent claims 1 and 12 (For example, see claim 1, lines 7 and 8.) The Examiner utilized the same prior art from the previous office action and only modified the rejection to appropriately correspond to the amended claims. Therefore, the finality of the present office action is proper.

#### Rejection Under 35 USC § 102

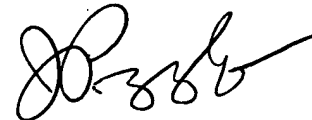
On page 3 of the remarks, regarding claims 1 and 12, the Applicant argues Doshi does not disclose, teach, or otherwise make obvious *transmitting a plurality of packets in multiplexing manner, wherein a header in each packet includes a first field... sixth field....* The Examiner respectfully disagrees. The invention of Doshi relates to a method of encapsulation, which comprises a new and common header for packet data units. The Examiner interprets *a header in each packet* as referring to both the header of an encapsulated packet and the headers which lie within the payload of the encapsulated packet. With this interpretation in mind, the claims are rejected as followed. Doshi discloses a method and apparatus supporting the transmission of multiple application layer protocols multiplexed over a single bitstream for transmission over a single link (See column 2, lines 5-8.) Doshi discloses “a first field” as the length indicator field of a VL PDU (See column 5, line 37;) “a second field” as the order created and maintained by

the SAR layer (See column 6, lines 50-52;) “a third field” (See Figure 2B, reference number **232**;) “a fourth field” as the CRC field **216** (See column 11, lines 28-30;) “a fifth field” (See Figure 2B, reference number **234**;) and a “sixth field” (See Figure 2A, ABM payload **220** comprising information and CRC.) Therefore, Doshi discloses *transmitting a plurality of packets in multiplexing manner, wherein a header in each packet includes a first field... sixth field....*

Rejection Under 35 USC § 103

On page 4 of the remarks with respect to claims 4, 5, 15, and 16, the Applicant argues that the Examiner has failed to provide a motivation or suggestion to include a fifth field holding a signal indicative of a destination address, source address, and remote alarm indicative of a signal receiving condition of a remote station. The Examiner respectfully disagrees for the same reasons cited in the final office action. To reiterate, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Doshi's apparatus to have the feature of including source/destination fields, remote alarm fields, identification fields, and control fields into the header field, as taught by Endo. One of ordinary skill in the art at the time of the invention would have been motivated to do so in order to realize a more reliable and accurate system of interfacing, since this header scheme complies to ITU-T (International Telecommunication Union-Telecommunication Standard) Recommendation 1.363, as explained by Endo on column 1, lines 45-58. Furthermore, one would be motivated to do so in order to comply with well known standards to maintain or expand system compatibility.

The Examiner would like to note that should the claims be amended to reflect a structure with a separate header and payload that are located at different, distinct, and exclusive locations within a packet the prior art could be overcome. However, given the broad nature of the existing claims the rejection under Doshi is both reasonable and proper. The Examiner suggests an interview for further clarification and to expedite prosecution.



**JOHN PEZZLO**  
**PRIMARY EXAMINER**